

JOHN COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

MINUTES
SPECIAL CITY COUNCIL MEETING
10TH FLOOR BOARD ROOM
MONDAY, JUNE 27, 2005
4:00 A.M.

The City Council met at the above place and date at approximately 4:24 p.m. Mayor Pro Tempore Beto O'Rourke present and presiding and the following Council Members answered roll call:

Representative Ann Morgan Lilly
Representative Melina Castro
Representative Eddie Holguin, Jr.
Representative Steve Ortega

Not Present:
Mayor John Cook
Representative Susannah M. Byrd
Representative Jose Alexandro Lozano
Representative Presi Ortega, Jr.

AGENDA

City Council Agenda for June 28, 2005 (attached)

The City Manager, City Department Heads and staff presented to Council Members short briefings on the agenda items for the City Council Agenda for June 28, 2005 and answered the questions of Council members.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega and unanimously carried to adjourn this meeting at 4:56 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk

JOHN F. COOK
MAYOR

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**AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
TUESDAY, JUNE 28, 2005
9:00 A.M.**

AND

**SPECIAL COUNCIL MEETING/COUNCIL WORK SESSION
COUNCIL/STAFF QUESTION AND ANSWER SESSION
10TH FLOOR, CONFERENCE ROOM
MONDAY, JUNE 27, 2005
4:00 P.M.**

ROLL CALL

Invocation – Pastor James L. Williams
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. Home Ownership Month
2. City Parks and Recreation Month

CALL TO THE PUBLIC

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at www.cityclerks@elpasotexas.gov for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Five minutes is allowed for each speaker, if the number of speakers is fewer than seven.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

1. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of June 21, 2005 and Minutes for the Special City Council Meeting of June 20, 2005. (Agenda Review)

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

- 3A.** That the City Manager be authorized to sign a Contract between the CITY OF EL PASO and ANTHONY W. PEARSON, to assist the Mayor and City Council at a biweekly rate \$1,269.23 for 40 hours per week.

Fund Source: 01010001-01101-01001

[City Manager, Joyce A. Wilson, (915) 541-4844]

- 3B.** That the City Manager or her designee be authorized to sign, on behalf of the City of El Paso, notices of termination for the following Tax Abatement Agreements:

| <u>Company</u> | <u>Agreement Date</u> |
|----------------------------------|-----------------------|
| Lowe's Home Centers | February 1, 2001 |
| Plastic Molding Technology (PMT) | April 17, 2001 |
| Providian Bancorp Services | May 29, 2001 |

in accordance with the terms of the respective Agreements and with the recommendation of the staff and Director of the Economic Development Department. [Economic Development, David G. Dobson, (915) 541-4680]

- 3C.** That the City Manager be authorized to sign a Third Amendment to an Agreement for Architectural Services by and between the CITY OF EL PASO and PARKHILL, SMITH, AND COOPER, INC. for a project known as "Northeast Regional Park-Design and Construction Phase" to include the design of a Central Pavilion in an amount not to exceed EIGHT THOUSAND FOUR HUNDRED SEVENTY and NO/100 DOLLARS (\$8,470.00).

(The City Manager hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.) **(District 4)**

[Perspectiva + 3D/I (P+3), Juan Contreras, (915) 225-3449]

4. BOARD APPOINTMENTS:

- 4A.** Alexandra Swann to the Building and Standards Commission as a Mortgage Broker member by Representative Jose Alexandro Lozano, District 3.
[Representative Jose Alexandro Lozano, (915) 541-4515]
- 4B.** Sema González to the Building and Standards Commission as a Community Affairs member by Representative Jose Alexandro Lozano, District 3.
[Representative Jose Alexandro Lozano, (915) 541-4515]
- 4C.** Carl Robinson to the Building and Standards Commission to serve as community affairs member by Mayor Pro Tempore Beto O'Rourke, District 8.
[Representative Beto O'Rourke, (915) 541-4123]
- 4D.** Robert S. Ayoub to the Building and Standards Commission to serve as community affairs member by Mayor Pro Tempore Beto O'Rourke, District 8.
[Representative Beto O'Rourke, (915) 541-4123]

- 5.** To authorize the combining of the budgets and bid documents on the Westside Community Park and the Westside Recreation Center projects into one bid package in conformance with the P+3's Program Outlook Plan.
[Perspectiva + 3D/I (P+3), Juan Contreras, (915) 225-3449]

6. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

- 6A.** Solicitation No.: 2005-206 Armored Car Service – International Bridges
Award to: Loomis, Fargo & Company
 El Paso, Texas
Item (s): 1
Amount: \$24,540.00 (estimated yearly)
- Department: Street
Funds available: 32010283-502212
Funding source: Bridge Fund
Total award: \$73,620.00 (estimated)
District (s): **All**

Purchasing and the Street Departments recommend award as indicated to Loomis, Fargo & Company, this company was the lowest responsive by [definition, meeting specifications] offer, from responsible offerors.

This is a three [3] year requirements Contract.
[Purchasing Department, Frank Velo, (915) 541-4320]

6B. Solicitation No.: 2005-186 Rocky Bluff Drainage Improvements Re-Bid
 Contractor: Bain Construction
 El Paso, Texas

Department: Street Department
 Funds Available: 14200402-PBE04FC104-29114-508027
 Funding Source: 2004 Bond Issue
 Items: Base Bid \$80,000.00
 Alternate 1: \$ 1,500.00
 Total Award: \$81,500.00
District (s): 2

RECOMMENDATION:

The Departments of Engineering and Streets, recommend the award of this contract to Bain Construction, the low responsible, responsive bidder. It is requested that the City Manager be authorized to sign the referenced contract approved by the City Engineer, Construction Bidding Section, and the City Attorney. Additionally, it is requested that the City Manager be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

[Purchasing Department, Byron Johnson, (915) 541-4308]

7. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]**7A. BT2005-1164 BUILDING AND PLANNING SERVICES**

Building and Planning Services proposes to transfer \$1,509.66 from closed capital projects to a project to fund an overrun for Resler Drive. Funding source is previous GO issuances (86 Ele, 88, 89A, 92, 93, 94 Cultr Rec). **(District 1)**

| | | | | |
|----------|------------|------|---------------------------------|--------------|
| Decrease | \$1,509.66 | from | 31115108/P59999926061/504405 | OperCntgncy |
| Increase | \$1,509.66 | to | 31115108/PPW000719026061/508027 | Construction |

7B. BT2005-1176 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$10,255.72 from the Zaragoza Joint Repair project and \$6,801.28 from the Zaragoza Scales to the Zaragoza Bathrooms project to fund construction. Funding source is 1989 Revenue Bonds. **(District 6)**

| | | | | |
|----------|-------------|------|---------------------------------|--------------|
| Decrease | \$ 1,448.80 | from | 32000082/P50100543001/508016 | CntrctDesign |
| Decrease | \$ 1,190.00 | from | 32000082/P50100543001/508024 | Testing |
| Decrease | \$ 3,647.17 | from | 32000082/P50100543001/508026 | Inspections |
| Decrease | \$ 3,807.66 | from | 32000082/P50100543001/508027 | Construction |
| Decrease | \$ 162.09 | from | 32000082/P50100543001/508051 | PrgMgmt |
| Increase | \$10,255.72 | to | 32000082/PPWBR0300443001/508027 | Construction |
| Decrease | \$ 6,801.28 | from | 32000082/PPWBR0300643001/508027 | Construction |
| Increase | \$ 6,801.28 | to | 32000082/PPWBR0300443001/508027 | Construction |

7C. BT2005-1192 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$232,869 to the Bowen project to fund water and sewer improvements. Funding source is reimbursed expenditures from EPWU. **(District 7)**

| | | | | |
|----------|-----------|----|---------------------------------|--------------|
| Increase | \$232,869 | to | 31255008/PBE04ST10427695/405067 | ReimbExp |
| Increase | \$232,869 | to | 31255008/PBE04ST10427695/508027 | Construction |

7D. BT2005-1193 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$2,300 from previously issued COs to the Traffic Light Synchronization project to fund a change order for construction to TxDOT. **(All Districts)**

| | | | | |
|----------|---------|------|---------------------------------|---------------|
| Decrease | \$2,300 | from | 31115108/P59999926061/504405 | OprtnG CtnGcy |
| Increase | \$2,300 | to | 31115108/PPW003500526061/508027 | Construction |

7E. BT2005-1194 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate a cash balance of \$70,200 to the Pavement Management System project. Funding source is 2003 COs. **(All Districts)**

| | | | | |
|----------|----------|----|------------------------------|------------|
| Increase | \$70,200 | to | 31260001/P50155760659/508010 | DataProc |
| Increase | \$70,200 | to | 31260001/P50155760659/407002 | FundBalTrf |

7F. BT2005-1195 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$120,321.40 from an unallocated 2003 CO project to the Pavement Management System project. Funding source is 2003 COs. **(All Districts)**

| | | | | |
|----------|--------------|------|------------------------------|--------------|
| Increase | \$120,321.40 | to | 31260001/P50155760663/508010 | DataProc |
| Decrease | \$120,321.40 | from | 31260001/P81000260663/508027 | Construction |

7G. BT2005-1196 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$12,256 to the Cedar Grove Phase 11-12 project to fund water and sewer improvements. Funding source is reimbursed expenditures from EPWU. **(District 3)**

| | | | | |
|----------|----------|----|---------------------------------|--------------|
| Increase | \$12,256 | to | 31255008/PBE04ST10627695/405067 | ReimbExp |
| Increase | \$12,256 | to | 31255008/PBE04ST10627695/508027 | Construction |

7H. BT2005-1197 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$107,491 to the Cedar Grove Phase 1-9 project to fund water and sewer improvements. Funding source is reimbursed expenditures from EPWU. **(District 3)**

| | | | | |
|----------|-----------|----|---------------------------------|--------------|
| Increase | \$107,491 | to | 31255008/PBE04ST10727695/405067 | ReimbExp |
| Increase | \$107,491 | to | 31255008/PBE04ST10727695/508027 | Construction |

7I. BT2005-1201 PARKS

This budget transfer requests a new appropriation to purchase furniture, tables, chairs & cardio equipment for the Eastside Senior Center. **(District 5)**

| | | | | |
|----------|----------|----|------------------------------|----------|
| Increase | \$52,500 | to | 51510404/P50022616326/407002 | EstRev |
| Increase | \$52,500 | to | 51510404/P50022616326/508009 | Furn&Fix |

7J. BT2005-1202 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$8,766.06 to the Edgemere Blvd. Extension project. Funding source is reimbursed expenditures from EPWU. **(District 5)**

| | | | | |
|----------|------------|----|---------------------------------|--------------|
| Increase | \$8,766.06 | to | 31255008/PPWST0302227695/405067 | ReimbExp |
| Increase | \$8,766.06 | to | 31255008/PPWST0302227695/508027 | Construction |

7K. BT2005-1206 MUSEUM OF ART

Increase appropriation to pay for printing and design services related to the Museum Newsletter Project and for the Museum's Home House Exhibition advertisement.

| | | | | |
|----------|---------|----|-----------------------|--------------|
| Increase | \$4,050 | to | 54500025/50105/502209 | PrintingSvcs |
| Increase | \$4,050 | to | 54500025/50105/407002 | Est Rev |

7L. BT2005-1208 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$32,287.25 from an unallocated closed capital project to the Hawkins Expansion project to fund demolition and asbestos costs. Funding source is previously issued GOs.

| | | | | |
|----------|-------------|------|------------------------------|--------------|
| Decrease | \$32,287.25 | from | 31115108/P59999926061/504405 | OperCntgncy |
| Increase | \$25,000.00 | to | 31115108/PPW005326061/508024 | Testing |
| Increase | \$ 7,287.25 | to | 31115108/PPW005326061/508027 | Construction |

7M. BT2005-1209 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$42,712.75 from an unallocated closed capital project and 1999 Street resurfacing funds to the Hawkins Expansion project to fund demolition and asbestos costs. Funding sources are previously issued GOs.

| | | | | |
|----------|-------------|------|------------------------------|---------------|
| Decrease | \$ 297.15 | from | 31130101/PPW000826136/501007 | Longevity-Civ |
| Decrease | \$31,389.61 | from | 31130101/PPW000826136/508027 | Construction |
| Decrease | \$11,025.99 | from | 31130101/PPW000826136/508024 | Testing |
| Increase | \$42,712.75 | to | 31130101/PPW005326136/508027 | Construction |

7N. BT2005-1230 CITY ATTORNEY

Reallocation of funds from salary savings to cover outside counsel services.

| | | | | |
|----------|----------|------|-----------------------|---------------|
| Decrease | \$90,000 | from | 03010024/01101/501000 | Salaries |
| Increase | \$90,000 | from | 03010026/01101/502109 | ExtLegalCousl |

70. BT2005-1233 CITY ATTORNEY

Transferring appropriations to cover ongoing outside legal counsel litigation costs.

| | | | | |
|----------|-----------|------|-----------------------|---------------|
| Decrease | \$450,000 | from | 21010050/01101/501012 | UniformWag |
| Increase | \$450,000 | to | 03010026/01101/502109 | ExtLegalCousl |

8. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 8A.** Jose R. Sanchez to block off Kyle between 344 and 364 on July 16, 2005 from 4:00 p.m. to 9:00 p.m. and on July 17, 2005 from 9:00 a.m. to 9:00 p.m. for a block party. Approximately 75 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices".

PERMIT # 05-073 [Jose R. Sanchez] **(District 8)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 8B.** Simon Olvera to block off Rancho Grande Dr. between 1300 and 1332 on July 3, 2005 from 6:00 p.m. to 12:00 a.m. for a block party. Approximately 60 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-075 [Simon Olvera] **(District 6)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 8C.** Alfredo Melendez to block off Flory between Grace and St. Charles on July 4, 2005 from 9:00 a.m. to 9:00 p.m. for a block party. Approximately 90 persons will take part and 100 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices".

PERMIT # 05-078 [Alfredo Melendez] **(District 2)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 8D.** Students Against ASARCO to use amplification (1 amplifier, 1 microphone and 2 speakers) at Union Plaza Park – 117 Anthony on July 9, 2005 from 12:00 p.m. to 10:00 p.m. for a rally. Approximately 50 persons will take part and 100 spectators are anticipated. PERMIT # 05-079 [Jacqueline Barragan] **(District 8)**

NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. (PARTICIPANTS WILL REMAIN IN THE PARK AND MAY NOT USE THE ROADWAY FOR THE RALLY.) THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 8E. Frank Sanchez to block off Tierra Arroyo between 12400 and 12449 on July 2, 2005 from 6:00 p.m. to 2:00 a.m. for a block party. Approximately 60 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices".

PERMIT # 05-080 [Frank Sanchez] **(District 5)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 8F. El Paso Parks and Recreation to use amplification (12 microphones, 8 amplifiers and 12 speakers) at Eastwood Park – 3110 Parkwood St. on July 4, 2005 and July 10, 2005 from 5:30 p.m. to 9:30 p.m. for summer concerts. Approximately 12 persons will take part and 1,000 spectators are anticipated.

PERMIT # 05-081 [Enrique Valadez] **(District 5)**

NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 8G. Theresa Caballero and Stuart Leeds to hold a peaceful protest at El Paso Police Department Central Regional Command – 200 S. Campbell (sidewalks only) and across the street at the El Paso County Detention Facility - 601 E. Overland (sidewalks only) on July 2, 2005 from 10:00 a.m. to 12:00 p.m. Approximately 25 – 200 persons will take part. This request includes permission to use amplification (2 bullhorns). PERMIT # 05-082 [Stuart Leeds] **(District 8)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO THE CITY OR APPLICANT. THE APPLICANT SHOULD BE ADVISED THAT DUE TO THE LIMITED SIDEWALK SPACE IN FRONT OF THE 200 S. CAMPBELL LOCATION SHE SHOULD ENSURE A LIMITED AMOUNT OF PARTICIPANTS BE USED FOR THIS SITE AS NOT TO BLOCK THE SIDEWALK ACCESS TO NON-PARTICIPANTS. IT WOULD BE BETTER TO USE THE NORTHWEST CORNER OF CAMPBELL AND OVERLAND, AS THE SIDEWALKS ARE WIDER. THE APPLICANT ADVISED THAT APPROXIMATELY 25-200 PERSONS WOULD PARTICIPATE. THIS IS FOR THE SAFETY OF THE PARTICIPANTS AND NON-PARTICIPANTS AS THE DEPARTMENT DOES NOT WANT AN OVERFLOW OF PERSONS TO UTILIZE A TRAFFIC LANE AS AN ACCESS WAY. THE EVENT WILL BE MONITORED BY A LIMITED NUMBER OF OFFICERS TO ENSURE THE SAFETY OF ALL. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

REGULAR AGENDA

9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

- 9A. An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to EPT Land Assets, L.P., land totaling approximately 4.69 acres out of Section 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in northeast El Paso at McCombs and Patriot Freeway. **(District 4)**

[El Paso Water Utilities Public Service Board, Robert Andron, (915) 594-5506]

- 9B. An ordinance granting a Special Privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Avenue between Mesa Street and Stanton Street for "Cincinnati Street Music Festival" on Saturday, July 30, 2005 and Sunday, July 31, 2005. (Fee: \$137.50, SP-05011) **(District 1)**
[Planning, Research and Development, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON JULY 12, 2005 FOR ITEMS 9A – 9B

- 9C. An Ordinance granting Special Permit No. ZON05-00030, to allow for a Planned Residential Development on Lots 267 and 268, Sunrise Acres Unit One, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of The El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Applicant: Karma-JKS Properties, Inc. ZON05-00030 **(District 2)** [Planning, Research and Development, Christina Valles, (915) 541-4930]

- 9D. An Ordinance granting Special Permit No. ZON05-00038, to allow for a parking reduction on the property described as Lots 1 through 5 and a portion of Lot 6, Block 106 ½, Highland Park Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Plaza Properties. ZON05-00038 **(District 2)**
[Planning, Research and Development, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON JULY 19, 2005 FOR ITEMS 9C – 9D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

10. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 10A. Harvest Christian Center to hold a 5K walk/run on July 4, 2005 from 6:30 a.m. to 8:30 a.m. Route: Start at 785 Southwestern Dr. to Redd Rd., turn right on Redd Rd. to Resler, turn right on Resler to Bishop Flores, turn right on Bishop Flores to Thorn, turn left on Thorn to Desert Blvd. North, turn right on Desert Blvd. North to Crusade, turn right on Crusade and finish at the church. Approximately 250 persons will take part. This request includes permission to use amplification (4 microphones, 4 speakers and 2 amplifiers).

PERMIT # 05-071 [Rob Lee] **(District 1)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. TXDOT FORM LETTER. THE EL PASO POLICE DEPARTMENT IS REQUESTING THIS EVENT BE DENIED, DUE TO STAFFING. THE OFFICE OF BUILDING PERMITS & INSPECTIONS DOES NOT RECOMMEND APPROVAL.

- 10B.** Rim University Neighborhood Association to hold a parade on July 4, 2005 from 10:00 a.m. to 1:00 p.m. Route: Start at the intersection of Kerbey and Brown to Rim Rd., proceed on Rim Rd. and finish at Tom Lea (Upper) Park. Approximately 150 persons and 6 vehicles will take part.
PERMIT # 05-076 [E R Lilly] (District 1)
 NO OBJECTIONS FROM FIRE, SUN METRO, PARKS AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT IS REQUESTING THIS EVENT BE DENIED. DUE TO STAFFING THE OFFICE OF BUILDING PERMITS & INSPECTIONS DOES NOT RECOMMEND APPROVAL.
- 11. COMPTROLLER:** [Comptroller, Carmen Arrieta-Candelaria, (915) 541-4435]
 Discussion and action on a resolution to authorize the City Manager to accept approximately \$5.8 million in Palo Verde Rewards from the El Paso Electric Company, determine how the Palo Verde Rewards will be used, and establish any requisite criteria for directing the use and accounting of the Palo Verde Rewards. **(Districts – Citywide)**
- 12. BUDGET TRANSFER:** [Office of Management and Budget, David Almonte, (915) 541-4011]
 BT2005-1213 FLEET SERVICES
 Appropriation increase requested to adjust for the increased price of fuel over the budgeted amount.
- | | | | | |
|----------|-----------|----|-----------------------|---------------|
| Increase | \$900,000 | to | 37370510/45202/503124 | Fuel Inv Purc |
| Increase | \$900,000 | to | 37370510/45202/404352 | Fuel&LubChg |
- 13. PERSPECTIVA + 3D/I (P+3):** [Perspectiva + 3D/I (P+3), Juan Contreras, (915) 225-3449]
 Council to authorize the transfer of \$753,000 to the Pavo Real Pool Renovation Project design and construction accounts from the Park Proposition Contingency Fund in conformance with the P+3's Program Outlook Plan approved by City Council on September 14, 2004.
- 14. PLANNING, RESEARCH AND DEVELOPMENT:**
 [Planning, Research and Development, George Sarmiento, (915) 541-4193]
 Discussion and action on a Motion to expand the open meeting and notification requirements of the City Plan Commission as follows:
 Regardless of any wording to the contrary above, the City Plan Commission shall be required to hold an open meeting/hearing on any new action proposed for a parcel/tract that was previously subject to a contested hearing. The petitioner shall be responsible for notifying all previous participants of record (of the contested action(s)) regarding the subject, date and time of the new hearing.
 POSTPONED FROM 05/31/05:PUBLIC ITEM PLACED BY RICHARD SCHECTER
- 15. PURCHASING DEPARTMENT:** [Purchasing Department, Byron Johnson, (915) 541-4308]
 Approve Change Order No. Twelve to J.A.R. Concrete, Inc., for Contract No. 2003-199 EPIA Fixed Base Operator Ramp & NASA Apron Reconstruction Project. The amount of this change order represents a CREDIT (to the City of El Paso) of Five Hundred Sixty Three Thousand, Four Hundred Thirty Six Dollars and Eighty Three Cents (\$563,436.83) against the amount bid by J.A.R. Concrete, Inc. for the Scope of Work defined by specification books #1 and #2, the project drawings, amendments and change orders.

The amount of this credit is awarded as per recommendations from the Departments of El Paso International Airport, the Project Manager, Paragon Project Resources, Inc. and Engineering. It is requested that the City Manager be authorized to sign the requested (credit) change order against the final adjusted contract amount and be authorized to execute budget transfers for these changes as necessary.

Funding Source: 62620024-PAP0019-41054-508027.

16. PUBLIC HEARING – HUMAN RESOURCES:

[Human Resources, Terry A. Bond, (915) 541-4509]

An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, To Add A New Rule Addressing Working Out Of Class for Civil Service Employees.

17. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

[Planning Research and Development, Esther Guerrero, (915) 541-4720]

17A. An ordinance granting a Special Privilege to Octavio Gomez permitting the encroachment onto public rights-of-way of three (3) accessibility ramps with stairs, four (4) awnings, five (5) wall signs, and two (2) outdoor cafés all located at 115 Durango Street. (Annual Fee: \$810.00, SP-05010) **(District 8)**

17B. An ordinance granting a Special Privilege to Impact: Programs of Excellence, a Non-Profit Organization, to temporarily close a portion of Anthony Street between San Francisco Avenue and San Antonio Avenue; Western Court between Anthony Street and Durango Street (access road); and the alley between San Francisco Avenue and Western Court on Sunday, July 10, 2005, for an "Art and Sol" street celebration. (Fee: \$50.00, SP-05013) **(District 8)**

17C. An ordinance granting a Special Privilege to the Central Business Association of El Paso Incorporated to permit temporary sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso from July 4, 2005 through July 3, 2006. (Total Fees: \$26,900.00, SP-05015) **(District 8)**

17D. An ordinance granting a Special Privilege to O.P.E.P. Incorporated to temporarily close a portion of Ochoa Street between First Avenue and Paisano Drive for a "Foam Party Celebration" on Sunday, July 3, 2005 and Monday, July 4, 2005. (Fee: \$137.50, SP-05016) **(District 8)**

18. The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 18A.** ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]
- 18B.** ASARCO Particulate Reduction Contract (551.071)
[City Attorney's Office, James A. Martinez, (915) 541-4550]
- 18C.** *Jacob Paz v. James O'Connor, et. al*; Cause No. EP-05-CA-0101-FM in the United States District Court for the Western District of Texas (551.071)
[City Attorney's Office, James A. Martinez, (915) 541-4550]
- 18D.** Regarding Tax Abatement Agreement dated January 8, 1998, between The City of El Paso and MediaCopy Texas, Inc. (551.071)
[City Attorney's Office, John Nance, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

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